

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 1:09CR152-P-D

**KENNETH BONNER and
RONNIE UNDERWOOD,**

DEFENDANTS.

ORDER CONTINUING TRIAL

This matter comes before the court upon Defendant Ronnie Underwood's Motion for Continuance [35]. After due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for April 5, 2010. Defense counsel requests a continuance to afford more time to meet with the defendant, complete inspection of discovery material, prepare any necessary pretrial motions, and to engage in plea negotiations.

The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(7)(A), the period of delay from April 5, 2010 until the new trial date to be set in this matter. The time is excludable under subsection (h)(7)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial. The time is also excludable as to Defendant Underwood's co-defendants pursuant to 18 U.S.C. section 3161(h)(6) because the period of delay is reasonable and no motion for severance has been granted.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) Defendant Ronnie Underwood's Motion for Continuance [35] is **GRANTED**;

(2) Trial of this matter is continued **as to both defendants** until Monday, June 28, 2010 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;

(3) The delay from April 5, 2010 to June 28, 2010 is excluded from Speedy Trial Act considerations as set out above;

(4) The deadline for filing pretrial motions is June 7, 2010; and

(5) The deadline for submitting a plea agreement is June 14, 2010.

SO ORDERED this the 25th day of March, A.D., 2010.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE